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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-eighth session
Item 4 of the provisional agenda

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

Memorandum submitted by the International Labour Office

I. RATIFICATION OF CONVENTIONS

1. Since the previous session of the Sub-Commission, there has been a large number of further ratifications of ILO conventions on subjects relating to the concerns of the Sub-Commission. This has been the result of a campaign, launched by the Director-General of the ILO following the World Summit for Social Development (Copenhagen, March 1995), for the universal ratification of the ILO seven fundamental human rights Conventions (Nos. 29 and 105, 87 and 98, 100 and 111, and 138). This campaign was launched by letters addressed directly to non-ratifying States, asking for consideration of the ratification position, and has been followed up with contacts in the various member States by the ILO Area Offices and multidisciplinary teams in the field, as well as with offers of assistance in overcoming obstacles to ratification. The following summarizes the ratifications of those among the ILO's 177 Conventions which are of special relevance for human rights.

Convention	Total ratifications	Since 30 June 1995
Forced Labour		
No. 29	139	Uruguay
No. 105	117	Estonia

Convention	Total ratifications	Since 30 June 1995
Discrimination		
No. 100	125	Estonia
No. 111	120	-
No. 156	25	Guinea
Freedom of Association		
No. 87	115	South Africa, Sri Lanka
No. 98	127	South Africa, Suriname
Migrant Workers		
No. 97	40	-
No. 143	17	-
Indigenous and Tribal Peoples		
No. 107	27	-
No. 169	10	Denmark, Guatemala
Minimum Age		
No. 138	49	El Salvador, San Marino, Tunisia
Vocational Rehabilitation		
No. 159	56	Guinea

In addition, as outlined in reports to the Governing Body on this campaign, a large number of other ratifications are either already under way or being examined by the competent national authorities.

II. APPLICATION OF CONVENTIONS

2. Within the framework of the regular programme for the supervision of ILO conventions and recommendations, the Committee of Experts on the Application of Conventions and Recommendations addressed a number of comments to ratifying States at its November-December 1995 session which are contained in its report to the eighty-third session of the International Labour Conference. 1/ This report was in turn discussed by the Conference Committee on the Application of Conventions and Recommendations, which invited a number of Governments to appear before it so as to give information on points raised by the Committee of Experts. 2/

3. The Committee of Experts also examined reports supplied under article 19, paragraphs 5 and 7 of the ILO Constitution by member States on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). 3/ It drew up a Special Survey on the basis of these reports, containing an analysis of the obstacles to ratification and of the measures taken by Governments to implement its provisions.

III. ADOPTION OF NEW STANDARDS

4. At its eighty-third session (June 1996), the International Labour Conference adopted the Homework Convention (No. 177) and Recommendation (No. 184).

IV. SITUATION OF ARAB WORKERS OF THE OCCUPIED ARAB TERRITORIES

5. Since 1978, ILO has been monitoring the situation of Palestinian workers and has all along maintained that it can best serve their interests and those of Palestinian employers through the provision of adequate and appropriate technical assistance. The complex and sensitive environment that affected the occupied Arab territories during the past two and a half decades prevented the realization of this objective. Although the developments that took place in the last quarter of 1993 on the Palestinian/Israeli scene, as well as the subsequent developments, had appeared to herald the start of a new era of cooperation, and therefore a climate propitious to the future ILO role in these territories, the Director-General's 1996 report on the situation of workers of the occupied Arab territories reflected a tragic downturn in developments.

6. The report was based on information collected during a mission the Director-General sent to Israel and the occupied Arab territories - the nineteenth consecutive one - with a view to analysing the situation of Arab workers of the occupied Arab territories, taking account of the move towards autonomy, with free elections, in these territories. The mission was carried out from 2 to 14 March 1996 and was preceded by a short preparatory mission to the Syrian Arab Republic in order to hold consultations with Government authorities, and with employers' and workers' organizations. The report also examined any measures taken by the Israeli authorities following the recommendations made in previous reports. Taking into account the transition situation in which the problems were examined, and in the light of the recent political developments which have taken place, the report considered the various aspects of equality of opportunity and treatment for workers of the occupied Arab territories with regard to the economy and the labour market, including education and training and employment opportunities, conditions of work, including the social insurance system, the trade union situation, the situation in the Golan, the establishment of Israeli settlements and their impact on living and working conditions, and more particularly the ILO programme of technical cooperation. The report on this subject appeared in an appendix to the Report of the Director-General submitted to the International Labour Conference at its eighty-third session, in June 1996.

7. The report concludes that, in spite of the efforts that the political leaders are making to advance the peace process, much remains to be done to ensure for Palestinian workers enhanced employment opportunities, economic security and conditions of work that are consistent with international principles and standards. The report therefore stresses the technical cooperation being undertaken in full partnership with the Palestinian authorities and the social partners in the territories, as a means of contributing in a practical and effective way to the development of institutions and of a Palestinian employment policy. However, whatever achievements can be claimed by the organizations actively involved in

assistance programmes for the occupied territories, the regrettable conclusion drawn in the report is that there has as yet been little, if any, beneficial economic impact on the lives of ordinary Palestinians, who continue to live in poor conditions with declining job opportunities. In addition to the lack of follow-through of donor pledges, the lack of foreign direct investment and the slow domestic economy, the constant partial or total closure of the territories by the Israeli authorities aggravates the precarious economic situation, particularly in the Gaza Strip. The report suggests that other ways could be found to deal with the actions which often motivate the closures.

8. Recognizing that responsibility for the success of the peace process, and in particular for creating economic conditions that will facilitate progress towards peace, lies with the Palestinian Authority, with Israel and with the international community as a whole, the report notes that ILO can play a critical role in guaranteeing order and social stability; it thus calls on the donor countries and financial institutions to support ILO programmes that are designed to enhance this endeavour.

V. WOMEN WORKERS

9. The promotion of equality of opportunity and treatment for men and women in employment is one of the priority themes in the programme and budget for 1996-1997. Relevant activities are carried out across the overall ILO programme and through all means of action, including international labour standards, research, advisory services, meetings, technical cooperation activities and information dissemination.

10. While implementing a mainstreaming strategy to ensure integration of the gender dimension into all ILO programmes and activities, the areas on which ILO action concentrates for the advancement of the status of women workers are:

(a) To assist member States in formulation of comprehensive national strategies for the promotion of full and equal participation of women in employment. This involves assistance for: the design of national policies; the adoption, revision and enforcement of appropriate legislation, based on international labour standards, in particular the Equal Remuneration Convention, 1951 (No. 100), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Workers with Family Responsibilities Convention, 1981 (No. 156) and the Part-Time Work Convention, 1994 (No. 175); and the promotion of tripartite dialogue and involvement concerning equality;

(b) To assist ILO tripartite constituents in enhancing their institutional capacity for the promotion of gender equality, by strengthening national machineries on equal opportunities and by organizing training courses on gender issues in the world of work, with emphasis on gender analysis and gender planning, women's contribution to economic and social development and the improvement of their working conditions;

(c) To disseminate information on women workers' rights and international labour standards of special relevance to women workers, by implementing an interregional project in nine countries and organizing other promotional activities;

(d) To alleviate poverty and the situation of particularly vulnerable groups of women, by improving their access to productive resources, employment, training and social protection; and assisting them in getting organized for advancement of their status;

(e) To promote the participation of women in decision-making, in particular in Governments, and in employers' and workers' organizations.

11. The ILO actively contributed to the Fourth World Conference on Women (Beijing, 1995) and organized two special events, respectively on women and the economy, and women and poverty eradication, and collaborated with the Centre for Human Rights in the special event on women and human rights. The ILO Governing Body strongly supports a dynamic ILO follow-up to the Beijing Conference. An international programme entitled "More and Better Jobs for Women" will be developed for the promotion of gender equality in the world of work as the ILO's major follow-up to the Beijing Conference and other United Nations conferences and summits. For more details, see ILO document GB.264/4 (November 1995), "Report on the Fourth World Conference on Women", and GB.265/4 (March 1996), "Action to be taken by the ILO to give effect to the Declaration and Platform for Action adopted by the Fourth World Conference on Women".

12. The key areas of ILO action for the advancement of the status of women workers are:

(i) To assist member States in the adoption of comprehensive national strategies for the promotion of full equality for women in employment, as requested by the resolution on ILO action concerning women workers, adopted in 1991. This involves assistance for: the design of national policy and instruments for its implementation; the adoption, revision and enforcement of appropriate legislation, based on international labour standards; the implementation of practical measures, including positive action; and the promotion of tripartite dialogue and involvement concerning equality;

(ii) To develop the institutional capacity of member States for the promotion of equality, by strengthening national machineries on equal opportunities, by contributing to gender sensitization in Governments and in employers' and workers' organizations, and by promoting national, regional and international linkages and exchanges of experiences for the development of support networks;

(iii) To alleviate poverty and the situation of particularly vulnerable groups of women, by improving women's access to employment, entrepreneurship, training, organization and social protection;

(iv) To promote the participation of women in decision-making at all levels, in particular in governments, and in employers' and workers' organizations.

VI. MIGRANT WORKERS

13. The ILO activities relating to international migration for employment aim at providing support to migrant sending and migrant receiving countries in order to help them deal with current priority concerns, cooperate in the recruitment and return of migrant workers and improve the protection of migrant workers and members of their families. The promotion of the ILO standards concerning migrant workers is a prominent feature of all activities undertaken. The key concern of these standards is non-discrimination or equality of opportunity and treatment.

14. ILO activities have contributed significantly to the acceptance of the principle of equality of treatment for migrant workers and the elimination of discrimination against them. However, the situation of most migrant workers remains a matter of concern, particularly in the countries which have not yet ratified any of the relevant conventions and where national legislation and practice is often far from being consistent with the principles of ILO. The development of migration for employment is becoming the focus of increased attention by ILO constituents. Apart from its ongoing activities related to international migration for employment, such as technical advisory services to emigration countries in the field of setting up coherent emigration and return policies, ILO has engaged in several activities aimed explicitly at promoting the protection of migrant workers and reducing discrimination against these workers.

15. An ongoing interregional project, which was started in 1993, aims to help ILO constituents to combat discrimination against migrant workers and ethnic minorities in the world of work. This project, which focuses on industrialized migrant-receiving countries, aims at tackling informal or de facto discrimination. The project's research findings made it clear that this kind of discrimination is widespread and persistent. Moreover, discrimination in the labour market seriously hampers the migrants' integration into society at large. The objective of this project is to reduce discrimination by informing policy makers, employers, workers and trainers engaged in anti-discrimination training on how legislative measures and training activities can be rendered more effective, based on an international comparison of the efficacy of such measures and activities. The project's findings are reported in a series of publications. Its conclusions will be drawn at national and international seminars scheduled to be organized in 1998.

16. A major work item covering migrant-sending and receiving countries in Africa, the Americas, Asia and the Pacific, and Europe has been finalized recently. One of the objectives of this work was to promote the progressive application of international labour standards concerning migrant workers in the countries of these regions, taking into account their institutional and legislative constraints. This work has resulted in:

(a) Reinforced national capacity in the countries concerned to establish the institutional structures, competence and techniques required to manage the movement of incoming and returning migrant workers; and

(b) Support to the countries concerned with a view to achieving broader acceptance and application of international labour standards concerning migrant workers.

VII. INDIGENOUS AND TRIBAL PEOPLES

17. The promotion, through seminars, policy advisory missions and development projects, of the Indigenous and Tribal Peoples Convention, 1989 (No. 169) continues to be a prominent concern of ILO. The ratification, in 1996, of Convention No. 169 by Denmark and Guatemala is an indication of ILO's efforts in this area. Early this year, an interregional project funded by the Government of Denmark was launched with the aim of encouraging awareness of the Convention, promoting its ratification and influencing national policies accordingly. A guide on the objectives, scope and influence of Convention No. 169 regarding national and international policies and guidelines concerning these peoples has been published in English and, with the financial support of a Canadian NGO, the Spanish version will soon be available.

18. Policy workshops, forums and seminars aimed at establishing a dialogue between indigenous and tribal peoples, Governments and interested social parties on the subjects of land and natural resources rights, customary law and mechanisms for enhanced participation in decision-making have been organized in selected countries of Asia and Latin America. In Guatemala, as a follow-up to the Agreement on Ethnic Identity and Human Rights, which was signed by the Government and the Guatemalan National Revolutionary Unity (URNG) in March 1995, ILO is strengthening, through legal advice and legal literacy training, the capacity of indigenous organizations and support groups so that they may participate effectively in peace-related initiatives. An integral part of the peace process has been the ratification of Convention No. 169.

19. In the Philippines, since 1995, assistance is being provided to the Department of Labour and Employment (DOLE) to devise, in consultation with the peoples directly concerned, targeted programmes for indigenous communities in the framework of DOLE programmes for rural workers. Capacity-building efforts in livelihood projects and natural resource management for indigenous communities engaged in the demarcation of their ancestral lands, have also been initiated. As part of the capacity-building effort for indigenous and tribal organizations, a handbook on effective negotiation, drawing on selected North American case studies, has been published. Steps have been taken to design, in collaboration with indigenous communities and organizations, a training programme on environmental impact assessment in development projects.

20. ILO has also been asked to participate in the drafting process of a number of international instruments concerning indigenous and tribal peoples, including the draft inter-American instrument on indigenous rights and the Asian Development Bank's draft policy on indigenous peoples. It continues to contribute to the efforts of the Commission on Human Rights in the

consideration of the draft declaration on the rights of indigenous peoples, and takes part regularly in the meetings of the United Nations and other international organizations on this subject.

VIII. CHILD LABOUR

21. Following the success of the ILO interregional technical cooperation programme known as the International Programme on the Elimination of Child Labour (IPEC), launched in 1991, and the importance given to the Minimum Age Convention, 1973 (No. 138) by the World Summit for Social Development, ILO has stepped up its activities concerning the elimination of this scourge affecting vast numbers of the world's children. In November 1995, the Governing Body examined a detailed paper on the subject, 4/ and decided, on the basis of another paper, 5/ to include a first discussion of a possible new instrument on the elimination of child labour at the Conference's 1998 session, with a second discussion probably leading to adoption at its session in 1999.

IX. COLLABORATION WITH OTHER INTERNATIONAL ORGANIZATIONS

22. As in the past, the arrangements whereby ILO collaborates with other international organizations on questions concerning the supervision of international instruments and matters of interest to more than one organization continued to function in relation to freedom of association, discrimination in employment and occupation, indigenous and tribal peoples, migrant workers, forced labour, child labour and other questions falling within the mandate of ILO. ILO regularly takes an active part in the Commission on Human Rights and in the Sub-Commission on Prevention of Discrimination and Protection of Minorities, including the Sub-Commission's working groups on indigenous populations, on minorities and on contemporary forms of slavery, as well as in other working groups such as that on the right to development. ILO also plays a prominent role in the various treaty bodies established to supervise United Nations human rights instruments, such as the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of all Forms of Discrimination against Women and the Committee on the Rights of the Child. ILO is cooperating with the United Nations in follow-up to the World Conference on Human Rights (Vienna, 1993) and the Fourth World Conference on Women (Beijing, 1995). The 1995 World Summit on Social Development assigned to ILO a leading role in action concerning employment.

23. ILO has continued its efforts to maintain a constructive synergy between its work and the activities of the Centre for Human Rights, a synergy that is to be pursued in accordance with a specific decision to this effect taken by the Governing Body. Human rights training covering the fundamental ILO conventions has been carried out in collaboration with the ILO International Training Centre in Turin, Italy and the Centre for Human Rights. This has included the publication of a new edition of the Manual on Human Rights Reporting by the United Nations, with the assistance of the Turin Centre, in which there is systematic reference to the fundamental ILO instruments and its supervisory system. ILO has also been called upon to supply a large amount of information on specific themes and different countries to the United Nations High Commissioner for Human Rights to assist him in fulfilling his mandate.

Notes

1/ Note that in 1995 the Committee of Experts exceptionally held two meetings, because of the Governing Body's decision to change the Committee's annual meeting time to the second half of the year. Their November-December report was submitted to the International Labour Conference, eighty-third session, 1996: Report III (Part 4A): Report of the Committee of Experts on the Application of Conventions and Recommendations. Copies of the Committee's annual report are regularly furnished to the United Nations Centre for Human Rights and are available on request for members of the Sub-Commission.

2/ Report of the Committee on the Application of Standards, Provisional Record 14, International Labour Conference, eighty-third session, 1996.

3/ International Labour Conference, eighty-third session, 1996: Report III (Part 4B), Equality in Employment and Occupation.

4/ See the Committee on Employment and Social Policy document (GB.264/ESP/1) and Report of the Committee on Employment and Social Policy (GB.264/10), both of which have been forwarded to the United Nations.

5/ Governing Body document "Proposals for the agenda of the 1998 Session of the Conference" (GB.264/2), paras. 12 to 21.

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